STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney General

JUL 01 2008

U.S. DISTRICT JUDGE
S.D.N.Y.

Division of State Counsel
Litigation Bureau

(212) 416-6185

By Hand

June 30, 2008

Honorable Harold Baer, Jr.
Southern District of New York
500 Pearl Street
New York, New York 10007

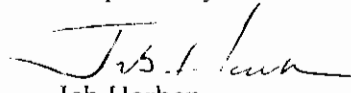Re: Hollman v. Caraballo, et al., 07 Civ. 6595 (HB)

Dear Judge Baer:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, counsel for defendants Pontante, Caraballo, Hernandez, Merejo in this § 1983 action filed by *pro se* inmate Prentiss Hollman.

I write on behalf of defendant Anthony Pontante, who was first named in the Amended Complaint in this action and who was served with the Amended Complaint earlier this month. Mr. Pontante has not yet appeared in this action and his response to the Amended Complaint would ordinarily be due today. In light of the fact that plaintiff's counsel has indicated that a notice of voluntary discontinuance will be filed in this action due to the P.L.R.A. exhaustion issues raised by the defendants who have appeared in this action (and which would be applicable to Mr. Pontante as well), we are respectfully requesting that a short extension of time for Mr. Pontante to respond to the Amended Complaint to July 7, 2008 be granted. It is expected that the action will be voluntarily dismissed by then (albeit without prejudice to re-file) and no response on the part of Mr. Pontante will be necessary at that time. Plaintiff's counsel has consented to this request.

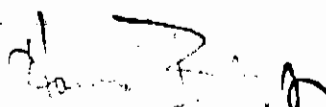We thank the Court for its consideration.

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DATE FILED: 7-1-08

Respectfully submitted,

Jeb Harben
Assistant Attorney General

cc: Peter J. Behnke, Esq.

Baer, Jr., U.S.D.J.

7/1/08